

REMARKS

This is in response to the Office Action mailed on December 11, 2007. Claims 1-58 are pending in the application. Claims 32-45 and 50 have been withdrawn from consideration, and Claims 1-31, 46-49, and 51-58 were rejected. Claims 1-4, 30, 46-47, and 51 are presently amended. Based on the claim amendments outlined above and the comments below, Applicant submits that the Claims 1-31, 46-49, and 51-58 are allowable.

Applicant-Initiated Interview

As an initial matter, Applicant thanks Examiner for the Applicant-initiated telephonic interview on March 4, 2008 between Examiner Susan Rayyan and Applicant's representative, Robert Hirning. During the interview, participants discussed the §101 statutory subject matter rejection, and a proposed set of claim amendments in light of the 35 U.S.C. § 103 rejection based on the Shear reference (WO Publication 93/23817). Applicant has attempted to clarify the proposed amendments and incorporate the Examiner's suggestions regarding the subject matter discussed during the interview into the presently amended claims.

Claim Rejections – 35 U.S.C. §101

In the Office Action, Claims 1-31, 46-49, and 51-58 were rejected as being purportedly directed to non-statutory subject matter. Particularly, the Office Action stated that the claims were directed to “software per [se]” due to a lack of “physical hardware.”

Based upon the standards of statutory subject matter as set forth in MPEP §2106 and §2106.01, Applicant submits that the database communication network of the presently claimed invention is statutory subject matter under §101. These sections state that for subject matter to be statutory, the invention must produce a “useful, tangible, and concrete result.” There is no requirement, for a claimed invention to include “physical hardware” to produce this useful, tangible, and concrete result. As stated in §2106(IV)(C), “the tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state of thing. However, the tangible requirement does require that the claim . . . produce a real-world result.”

Applicant submits that the database communication network of the presently claimed invention produces a real-world result that is useful, tangible, and concrete. As recited, the

presently claimed invention includes a process which establishes communication between disparate database systems, which clearly provides specific, substantial, and credible utility. The claimed invention is tangible in that it produces a non-abstract, beneficial result of facilitating database communication. Finally, the claimed invention produces a concrete result, involving a process that is predictable and repeatable.

Additionally, there is no mention in the relevant MPEP statutory subject matter guidelines regarding a classification of claims as “software per se”. Moreover, MPEP § 2106.01 states that even functional descriptive material will be considered statutory if the use of technology permits the function of the descriptive material to be realized. Applicant submits that the claimed invention performs acts involving requisite functionality to accomplish a practical application, through a function that enables communication between database systems. Accordingly, the claimed invention cannot be considered as non-statutory descriptive matter or software *per se*. Applicant respectfully submits that the subject matter of the present invention is statutory under §101, and requests withdrawal of the rejection under §101 for all claims.

Claim Rejections – 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 1-31, 46-49 and 51-58 under 35 U.S.C. §103(a) as being unpatentable over Applicants Admissions and PCT Publication WO 93/23817 issued to Timothy Shear (“Shear”). Applicant submits that the differences between the cited prior art and the claimed invention are significant and would not allow one of ordinary skill in the art to find the claimed invention obvious. As outlined below, a number of limitations within the amended claims are not taught or suggested by the *Shear* reference, and accordingly, Applicant submits that a prima facie case of obviousness has not been established for the claims.

A. The Cited References Fail to Teach or Suggest Each Limitation of the Claimed Database Identification System

Claim 1 has been amended to recite that the identification system is “configured to assign unique identification to data stored within each of the first and second database systems” (amendments underlined). Additionally, Claims 2 and 3 have been amended to more clearly recite the unique identification schema provided to databases and each record respectfully. Applicant submits that the recited feature of an identification system assigning unique identification to data is not taught or suggested by the combination of the cited prior art.

As described in at least Paragraphs 0062-0064 of the present invention specification, the identification system facilitates the assignment of identification throughout the database systems in order to uniquely identify databases and records. This identification is used to ensure each data entry existing in the database is unique across the entire network, which accordingly uniquely distinguishes the data in one database system from data in other systems and records which may exist on the network. Thus, the identification system enables identification of data in an entire network domain through its action of assigning unique identifications.

Applicant submits that the identification system and application of the identification schema to a database system as recited in the claimed invention is not taught or suggested in the *Shear* reference. In contrast, the *Shear* reference discloses a data interchange system which uses a translator system to convert messages between database systems from one format to another. This translator system is not equivalent to the identification system of the present invention, because it is not responsible for applying or associating identification to data within the database system. The translator system of *Shear* instead relies on data to be extracted from a first database system and communicated through its translator system before any data is sent to the second database system. Thus, *Shear* teaches that two database systems utilizing a distinct data format require translation before a data exchange may occur.

In contrast to the teaching of the *Shear* reference, the identification system of the claimed invention is able to assign identification to the entire database system and the data contained therein before any communication takes place. The claimed invention applies and associates unique identification directly to the data stored in the database system, keeping the data intact in the database in its original format. Thus, because the claimed invention assigns identification to data already existing within the database system, the database systems are able to communicate and identify data in each other without the need of a translator module or an additional level of operations. As discussed below, this feature of direct communication between databases at the database level further distinguishes the claimed invention from *Shear*.

B. The Cited References Fail to Teach or Suggest Direct Communication Between Each of a First Database System, a Second Database System, and an Identification System

Applicant also submits that the cited prior art fails to teach or suggest the feature of the amended claims which recite that “the first database system, second database system, and identification system are configured to support direct and indirect communication with each

other.” Specifically, Applicant submits that the feature of direct communication between databases and direct communication between each database system and the identification system is not taught or suggested by the *Shear* reference.

Applicant wishes to draw particular attention to the triangular-configuration of direct communication that is facilitated by the claimed invention. As is displayed on Figure 3 and described in Paragraph 0051 of the present invention specification, each of the database systems can directly connect to each other via the network; and additionally, each of the database systems can directly communicate with the identification system. Thus, communication may take place between the each of these systems without the use of an intermediate entity to handle or process the communication.

Although the dependent claims of the present invention also provide for indirect communication between the database systems, it is the ability to directly exchange raw data between disparate database systems that most clearly distinguishes the claimed invention from the cited art. The claimed invention removes the need for a translator system or a messaging system to convert, translate, and locate data within another database system. As further detailed above, this identification system enables simple and direct communications between databases even if the database systems utilize a different internal schema to identify internal records or employ different data formats. In contrast, the *Shear* reference only teaches and suggests indirect communication through either an interchange system or translation system which is distinct from the database system.

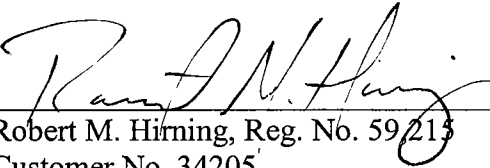
Accordingly, because the cited prior art fails to teach or suggest each and every limitation of the amended claims, Applicant respectfully asserts that a prima facie case of obviousness has not been established and the rejected claims are allowable. Further, because claims 2-31, 48-49, 52-58 depend either directly or indirectly from independent claims 1, 47, and 51, respectively, these dependent claims are independently allowable and allowable as depending from allowable claims.

Conclusion

If the Examiner believes that a teleconference would be of value in expediting the allowance of the pending claims, the undersigned can be reached at the telephone number listed below. It is believed that no petition or payment for extension of fees is due. If, however, it is believed that any additional fees are necessary, the Commissioner is hereby authorized to charge

or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #23515-3001).

Respectfully submitted,

By 
Robert M. Hirning, Reg. No. 59,213
Customer No. 34205

Oppenheimer Wolff & Donnelly LLP
45 South Seventh Street, Ste. 3300
Minneapolis, MN 55402
Telephone: (612) 607-7345
Fax: (612) 607-7100
rhirning@oppenheimer.com